

ITEM: 19

SUBJECT: Waste Discharges from Individual On-Site Sewage Systems – All Counties

BOARD ACTION: *Discussion of State Water Resources Control Board Staff's Proposed Statewide Regulations For On-Site Systems (Under AB 885 Mandate)*

BACKGROUND: Waste discharges associated with individual on-site systems have been regulated under the CWC by this and other regional waterboards since the late 1950s. In the early 1970s the Central Valley Waterboard adopted minimum criteria for use of individual on-site waste disposal systems for new land developments. These criteria were developed by State Waterboard staff and are titled "Guidelines for Waste Disposal from Land Developments" (hereafter Guidelines). The Guidelines are part of the Basin Plans for both the Sacramento/San Joaquin River basins and the Tulare Lake Basin. A conditional waiver for waste discharges from individual on-site systems using these "Guidelines" was adopted into the Basin Plans in 1982. The Basin Plan conditionally waives the requirement for waste discharge requirements for individual on-site systems "Where project has county permit and county uses Water Board Guidelines". As required by SB 390, this waiver was set to expire in 2002, but was extended by Regional Board resolution pending adoption of the statewide regulations by the SWRCB. At this time there is no waiver in place for on-site systems.

The "Guidelines" were considered to be protective of ground and surface waters as it specified a minimum soil depth of at least 5 feet below the leaching system above the groundwater table, rock or an impermeable strata. This minimum soil depth assured removal of bacteria and viruses from the applied wastewater. In addition, the Guidelines specified minimum setback distances of the disposal system from domestic wells, streams lakes and property lines. Although the Guidelines did not directly specify minimum lot sizes, it required a minimum disposal area for each new lot based upon the soil percolation rate.

Several counties initially embraced and utilized the Basin Plan Guidelines or adopted local ordinances that were deemed by the EO to be "compatible" its intent. However, In the past 30 years many counties have modified their on-site ordinances to allow creation of new lots and on-site system installation in areas that do not contain the soil depths or percolation characteristics specified in the Basin Plan (some counties within the Central Valley Region allow as little as 1.5 feet of useable soil above fractured rock or groundwater). The reason many counties are not complying with criteria in the Guidelines are 1) continued population growth in non-sewered areas, 2) decreasing availability of areas with a deeper soil mantle, 3) increased political pressure to approve developments even when soils are limiting, 4) the belief that additional treatment (other than a standard septic tank) will protect against surface failures and/or groundwater contamination in areas with shallow soils, and 5) lack of availability of Regional Board staff to assist county staff in the development of suitable on-site ordinances or assist in on-site enforcement (there are no funds allocated to work on individual on-site waste discharges or to assist local governments in ordinance development). It should be noted that some counties within the Central Valley Region are still enforcing ordinances that comply with the soil criteria in the guidelines. Despite the fact that there are over 500,000 on-site systems in the Region discharging over 150 million gallons per day of septic tank effluent to land, there is inadequate follow up evaluation of installed systems or comprehensive groundwater monitoring by state or county agencies. There are 38 counties within the Central Valley Region; and there are, therefore 38 different ordinances governing approval of new land divisions and installation of on-site systems.

ISSUES:

Legislation passed in 1999 as AB 885 recognized the water quality problems associated with on-site systems and the variability of local regulation. This legislation required the State Waterboard to develop, by 1 January 2004, regulations or standards for permitting and operation of newly constructed, repaired or failing on-site systems. In 2000 the State Waterboard staff initiated development of statewide regulations and engaged the various stakeholders. The great variability in local approaches to on-site system permitting as well as the financial interest of the development community and on-site equipment suppliers resulted in several drafts of proposed regulations. Regional Board staff participated in the "stakeholder" process, but were not generally active participants in regulation writing. The current version of the proposed regulations specifies greatly reduced soil depth requirements for wastewater disposal. Central Valley Regional Board staff has suggested several water quality protection enhancements to the draft. The draft regulations would provide increased protection of water quality if it provided the following:

1. Minimum lot size for new land developments to minimize nitrogen (salt) impacts (a common WQ problem in the Central Valley Region)
2. Increased soil depth requirements for standard systems in silty and sandy soils (i.e. faster percolating soils) to protect shallow groundwater
3. Improved methodology for determining highest extent of groundwater for new land divisions where groundwater may be present at shallow depths (determination of highest extent of groundwater is critical to protect groundwater from bacteria & virus contamination)
4. Groundwater level and bacteria/nitrate monitoring where soils require use of supplemental systems due to the presence of shallow groundwater

Central Valley Waterboard staff has developed a "matrix" that incorporates the above concerns. This "matrix" has been endorsed by several other regional boards and is offered as an alternative to one section of the SWRCB staff's proposal. The remainder of the proposed statewide regulations appear to be adequate and the proposal for the State Waterboard's adoption of a statewide conditional waiver would eliminate the need for separate waiver adoption by each of the nine regional boards.

RECOMMENDATION:

Information Item Only – No Action Will Be Taken

Mgmt. Review _____
Legal Review _____

22/23 June 2006
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